

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1562.00
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	April 25, 2000
DATE OF REPORT:	May 25, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 18, 2000

COMPLAINT ISSUES:

Whether the Crawfordsville Community Schools and the West Central Indiana Special Services violated:

34 CFR 300.347(a)(7) with regard to the school's alleged failure to include in the student's IEP a statement of how the student's progress will be measured, and how the student's parents will be regularly notified of the student's progress, at least as often as parents are informed of their non-disabled students' progress.

511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's IEP, specifically, failing to regularly notify the parent of the student's progress.

511 IAC 7-10-3 with regard to the school's alleged failure to conduct additional evaluations at the parent's request.

511 IAC 7-10-3(f) with regard to the school's alleged failure to ensure the case conference committee (CCC) considered the results of an independent educational evaluation obtained by the parent.

511 IAC 7-13-3(b) with regard to the school's alleged failure to provide an instructional day for a secondary level special education student of the same length as the instructional day for secondary level general education students in the same school building.

During the course of the investigation, additional issues were identified, which are:

511 IAC 7-12-1(g)(4) with regard to the school's alleged failure to convene a CCC meeting when a change of placement is being proposed or considered.

511 IAC 7-12-1(k)(4) with regard to the school's alleged failure to convene a CCC meeting to develop an IEP which specifies the specific special education placement and related services to be provided.

FINDINGS OF FACT:

1. The student is a thirteen-year-old, seventh grade student, who has been determined eligible for special education due to an emotional handicap.
2. The parent filed the complaint with the Division on April 25, 2000. Prior to this date, IEPs were

developed for the 1999-2000 school year on the following dates: May 21, 1999, September 14, 1999, January 13, 2000, February 24, 2000, and April 17, 2000. None of the five IEPs include a statement that specifies how the student's parent will be regularly notified of the student's progress in school.

3. IEPs dated May 21, 1999, January 13, 2000, and February 24, 2000, reflect that the parent will be notified of the student's progress every six weeks. The IEPs indicate the student's progress towards goals and objectives will be measured by teacher observation and oral and written performance. The Director states progress reports were mailed to the parent every six weeks. The parent acknowledges progress reports have been provided, but did not reflect the student's academic progress. Copies of the progress reports provided by the Director indicate the progress reports addressed all areas agreed upon at the CCC meetings. The parent attended these three CCC meetings and signed the IEPs indicating her agreement with the services recommended and giving permission for the plan to be implemented.
4. According to the Director, the school has been in the process of completing the 36 month re-evaluation for the student through a data review process. The parent states in recent months she has asked the school to do a full evaluation which would include testing. There is no documentation to support that the parent has made this request of the school. The student received a full evaluation which included testing on May 18, 2000.
5. At the CCC meeting convened on April 17, 2000, the parent made available to the CCC diagnostic assessments she had obtained from a private tutoring agency. The assessments were in the areas of basic math and academic reading. Although the assessments were briefly mention in the CCC notes of April 17, 2000, there is no indication that the CCC considered the results of these assessments in regards to developing an education program for the student.
6. From November 2, 1999, the student was attending alternative school for a half day and regular school for a half day. On February 23, 2000, the student had an altercation with a teacher and the school decided to shorten the student's instructional day. This was a unilateral decision made by the school. The student began the modified school day around February 28, 2000. The parent did not give written consent for the shorter instructional day until March 20, 2000.
7. From the beginning of the 1999-2000 school year until November 2, 1999, the student received instruction in a regular classroom setting. Due to some behavior problems the school decided the student should attend alternative school for half a day and regular school for half a day. This decision was made outside of a CCC meeting and without the parent's written consent.
8. On April 17, 2000, a CCC meeting was convened. The parent left the CCC meeting without signing the IEP. On April 28, 2000, the parent met with the Director, and additional items and services were added to the IEP written on April 17, 2000. These additional items and services were added to the IEP without the input of a CCC. The parent signed this IEP on April 28, 2000.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the school failed to include in the IEPs a statement of how the student's parents will be regularly notified of the student's progress. Therefore, a violation of 34 CFR 300.347(a)(7) is found.
2. Finding of Fact #3 indicates the school provided the parent with progress reports every six weeks as specified in the IEPs. Therefore, no violation of 511 IAC 7-12-1 is found.
3. Finding of Fact #4 reflects that there is no documentation to support that the parent requested the

school to evaluate the student. Therefore, no violation of 511 IAC 7-10-3 found.

4. Finding of Fact #5 indicates the CCC failed to consider the results of an independent educational evaluation obtained by the parent. Therefore, a violation of 511 IAC 7-10-3(f) is found.
5. Finding of Fact #6 reflects the school failed to provide the student with an instructional day the same length as the instructional day for general education students in the same building. Therefore, a violation 511 IAC 7-13-3(b) is found.
6. Finding of Fact #7 indicates the school failed to convene a CCC meeting when a change of placement was being proposed or considered. Therefore, a violation of 511 IAC 7-12-1(g)(4) is found.
7. Finding of Fact #8 reflects that items and services were added to the April 17th IEP outside of a CCC meeting. Therefore, a violation of 511 IAC 7-12-1(k)(4) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Crawfordsville Community Schools and the West Central Indiana Special Services shall:

1. Reconvene a CCC meeting to:
 - a. add a statement to the student's IEP as to how the student's parent will be regularly notified of the student's progress at school (e.g. written report, communication log, etc);
 - b. consider the results of an independent educational evaluation obtained by the parent in the areas of basic math and academic reading; and
 - c. determine the need for compensatory educational services.

Submit a copy of the student's revised IEP and CCC Summary Report to the Division no later than September 15, 2000.

2. In-service all appropriate staff regarding the following rules as specified in the revised Article 7:
511 IAC 7-21-3(c);
511 IAC 7-25-5(e);
511 IAC 7-27-4(a)(4);
511 IAC 7-27-6(a)(3); and
511 IAC 7-27-6(a)(7)(A) and (B).

Submit documentation to the Division that this has been completed no later that September 15, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.

DATE REPORT COMPLETED: May 25, 2000

